

Remarks/Arguments

Reconsideration of the rejections set forth in the Office Action dated September 8, 2006 is respectfully requested. Applicant respectfully submits that the Examiner failed to respond to Applicant's remarks in Applicant's last Response to Office Action dated June 23, 2006. Furthermore, the new reference cited by the Examiner in this Office Action has the same defect.

In Applicant's last Response to Office Action, Applicant pointed out that the Examiner's main prior art reference, U.S. Patent No. 6,557,007 ("Pekowski") teaches a point-of-sale system, one that allows exhibitors to place orders for items necessary for them to set up their exhibits at a tradeshow. As such, Pekowski's system necessarily includes login names, passwords, billing information such as credit card numbers, and other sensitive financial information. Col. 8, line 17-28 and Figure 2. As the Examiner correctly noted, Pekowski does not teach "distributing the database in an electronic medium to a tradeshow attendee." This is because Pekowski's database can **never** be disseminated to a tradeshow attendee due to the private financial information of the exhibitors contained in the database. Because Pekowski **teaches away** from allowing the public to use its database, there is no motivation to combine its teachings with those of Erturk (USP 6,135,776), which merely teaches the use of CD-ROM.

The Examiner never responded to Applicant's reasoning. Instead, the Examiner claimed that Applicant's arguments are "moot" in view of a new reference, U.S. Patent No. 6,847,940 ("Shelton"). Applicant respectfully disagrees. Shelton teaches a **virtual** tradeshow for the healthcare industry. Col. 5, lines 64-67; Col. 6, lines 44-48. As briefly mentioned above, Shelton has the same confidential characteristic as Pekowski. *See* Col. 2, lines 66-67 ("Necessary security measures will be taken to protect proprietary information"); Col. 7, lines 29-33 ("... verification and authorization procedures are provided whenever and wherever necessary. For example, manufacturers will wish to block certain healthcare professionals who are not appropriately licensed for receiving samples as shown in FIG. 2."). As such and similar to Pekowski, Shelton **teaches away**

from the present invention – Shelton’s database can **never** be distributed to attendees of a tradeshow. Nowhere in either Pekowski or Shelton is there a disclosure regarding distribution of their databases or even a motivation for doing so.

In contrast, the subject invention teaches a **public** database system – one that services the public visitors to the tradeshow by including information of products and services of the exhibitors. Perhaps it could be better understood by viewing it as an electronic map and brochure of the exhibitors at the tradeshow. Instead of a database system for the back office of an exhibitor, the instant invention teaches a public database wherein the **entire** set of information contained in the database can be disseminated regardless of who the recipient might be.

The Court of Appeals for the Federal Circuit has repeatedly held that an Examiner is not permitted to engage in “hindsight reconstruction” of the claimed invention using the applicant’s invention as a template. *In re Gorman*, 933 F.2d 982, 986 (Fed. Cir. 1991). “The mere fact that the prior art could be so modified would not have made the modification obvious unless the prior art suggested the desirability of the modification.” *In re Mills*, 916 F.2d 680, 682, 16 U.S.P.Q.2d 1430, 1432 (Fed. Cir. 1990). There is no motivation or suggestion for one of ordinary skill in the art to modify the systems disclosed in Pekowski or Shelton to distribute their databases. In fact, both references specifically **teach against distribution** by emphasizing confidentiality and security of their systems. Moreover, not even the combining reference, Erturk, suggests any kind of database distribution. It merely teaches the use of CD-ROM.

Since none of the references cited by the Examiner teach public dissemination of a database (to the tradeshow attendees), and in fact at least two of the main references teach away from it, Applicant respectfully submit that the references cited by the Examiner do not render obvious the subject matter defined by claims 1-22. Thus, Applicant respectfully submits that the pending claims 1-22 are in condition for allowance. A notice to that effect is earnestly solicited.

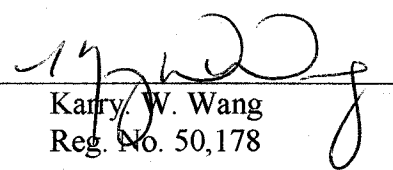
If the Examiner has any questions regarding the foregoing, or if the Examiner believes that an interview would facilitate the examination of this application, or if any additional information is required, the Examiner is invited to telephone the undersigned at the number provided below.

Respectfully submitted,

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